

Remarks

The Office action mailed February 26, 2003, has been reviewed and carefully considered. Claims 13, 14 and 18 have been amended for purposes of clarification. Support for the vacuum wheel applicator in claim 13 is found, for example, at page 7, lines 23-27, of the specification and in FIG. 1 showing the relative position of applicator vacuum wheel 25 and vacuum anvil roll 20. Support for the first and second motor in claim 18 is found, for example, in FIG. 6, elements 39 and 66. Claims 43-54 have been canceled without prejudice for filing a divisional application. Entry of these amendments is requested.

Restriction Requirement

The February 26, 2003, Office action states that claims 24-42 are drawn to a "dispenser" and that these claims are restricted as indicated in the September 19, 2002, Office action. Apparently, the examiner believes that claims 24-42 are similar to original claims 1-12. However, unlike original claim 1-12, claims 24-42 recite a "web material feed assembly" rather than a "dispenser." Moreover, the justifications provided in the September 19, 2002, Office action for the restriction between claims 1-12 (Group I) and claims 13-18 (Group II) are not present in claims 24-42. First, the September 19, 2002, Office action states the combination claims (Group I) "does not require the particulars of the subcombination as claimed because the dispenser does not require a pressure roller." Claim 13 no longer recites a pressure roller, nor do independent claims 24, 32 or 42. The September 19, 2002, Office action also stated that "[t]he subcombination has separate utility such as being employed in a dispenser which feeds the cut web to additional operations, as opposed to applying such directly to a substrate." Claim 13, in fact, refers to "[a] tape assembly for feeding a predetermined length of tape onto a substrate in predetermined registry with the substrate." Applicants are unable to discern the alleged substrate distinction between claims 13, 24, 32 or 42.

In view of the foregoing, it is apparent that claims 24-42 fall within Group II identified in the September 19, 2002, Office action, not Group I. Hence, withdrawal of the restriction as applied to claims 24-42 is requested.

Specification

The specification has been amended as suggested by the examiner.

Claim Objections

Dependent claims 14-17 have been objected to for allegedly failing to further limit the subject matter to independent claim 13. In particular, the examiner asserts that these claims "are directed to an applicator being part of the dispenser" in non-elected claims 1-12 and 21-23. However, line 7 of previously presented claim 13 recited "an applicator." Currently amended claim 13 now recites a vacuum wheel applicator. Claim 14 simply specifies additional features of the applicator. Claim 15 depends from claim 14. Claims 16 and 17 do not even refer to the applicator. Accordingly, dependent claims 14-17 are in proper dependent form.

35 U.S.C. §112, Second Paragraph, Rejections

The examiner asserts that claim 15 indicates that the vacuum roll with the rotary knife places the cut length of tape onto the substrate. In fact, the phrase "to place the predetermined length of tape in the desired position on the substrate" in claim 15 refers to the function of the signal generator, not the vacuum roll. In other words, the signal generator assists in correctly placing the tape.

The preamble of claim 13 correctly indicates that the tape assembly can feed "a predetermined length of tape onto a substrate in predetermined registry with the substrate." The preamble refers to the assembly as a whole, and the assembly as a whole can feed the tape onto the substrate.

Claim 18 has been amended to clarify the issues raised by the examiner.

The rejections of claims 13-18 under 35 U.S.C. §112, second paragraph, should be reconsidered and withdrawn.

35 U.S.C. §103 Rejections

Claims 13-18 have been rejected under 35 U.S.C. §103 over Helm (US 3,957,570) combined with Doderer-Winkler (US 5,429,576). According to FIG. 14 of Helm, a web of material 16 is

introduced initially onto a rotating cutter vacuum roll 24'. A stationary knife 27' is associated with the rotating cutter vacuum roll 24' for cutting material 16 into a patch 10. The patch 10 then is introduced onto a transfer roll 28'. The transfer roll 28' transfers the patch 10 onto an application roll 29'. The application roll 29', in turn, places the patch 10 onto a substrate.

The examiner recognizes that Helm does not teach a rotary knife that cuts the material against a vacuum roll. Accordingly, the examiner relies upon Doderer-Winkler as suggesting substituting a rotary knife for the stationary knife 27' of Helm.

However, the apparatus in both Helm and Doderer-Winkler includes an intermediate transfer roll interposed between the applicator roll and the vacuum roll upon which the material is cut. In the case of Helm, the intermediate roll is transfer roll 28' and the applicator roll is application roll 29'. In the case of Doderer-Winkler, the intermediate roll is transfer roll 74 and the applicator roll is placing roller 78. In contrast, claim 13 recites that the vacuum wheel upon which the tape is cut is positioned adjacent to the vacuum wheel applicator. Nothing in either Helm or Doderer-Winkler suggests the simplification achieved by the apparatus recited in claim 13. Absent such a suggestion, the pending 35 U.S.C. §103 rejection of claims 13-18 over Helm combined with Doderer-Winkler must be withdrawn.

It is submitted that the present claims are in condition for allowance. Should there be any questions regarding this application, the examiner is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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